(3)

C & .102

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR
(C.G.)

WRIT PETITION NO. 1951 /2004

PETITIONER

P. R. No. 1971/04
Presented by Shri C. D. Shrivastava
dated 9-4-04

Smt. Hem Bai Chouhan, aged about 30 years, wife of Shri Bhogilal Chouhan, resident of village BOMDA Development Block Pusaur, Tehsil Raigarh, Distt. Raigarh (Chhattisgarh)

VERSUS

RESPONDENTS

1. The Director, Panchayat, Raipur (Chhattisgarh)

2. The Collector, Raigarh, Collectorate, Raigarh (CG)

3. The State of Chhattisgarh, through : the Secretary, Department of Panchayat, D.K.S. Bhawan, Raipur.

RECEIVED COPY
9/4/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER / ORDERS, DIRECTION / DIRECTIONS.

शपथ आयुक्त
एस. के. शुक्ला
बिलासपुर तहसील कोर्ट
9/4/04

May this please to your Lordship.

01) PARTICULARS OF THE PETITIONER:

The petitioner is a lady belonging to the Scheduled Caste and she had been elected as a Sarpanch of Gram

XI-EC--78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 1952/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

22.07.2004

Shri M.D. Sharma, counsel for the petitioner.

Shri Sanjay S Agarwal, Govt. Advocate for the State.

Heard.

The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India being aggrieved by the final order dated 29.03.2004 (Annexure P-2) passed by the Collector under Section 36 of C.G. Panchayat Raj Adhiniyam, 1993 whereby the petitioner was declared ineligible to be an office bearer of the Panchayat on account of giving birth to 5th child in violation of the condition laid down under Section 31 (1)(m) of the Act and also the order dated 08.06.2004 (Annexure P-1) passed by the Director, Panchayat whereby the Director while entertaining the appeal against the order of the Collector dated 29.03.2004 rejected the application for grant of interim relief filed by the petitioner.

Learned counsel for the petitioner submits that the Collector concerned without giving reasonable opportunity to the petitioner passed the order dated 29.03.2004, against which the petitioner had preferred an appeal before the Director, Panchayat along with an application for stay and the Director, Panchayat while admitting the appeal, which is still pending, refused to grant the stay in favour of the petitioner. He further submitted that since the said application has been rejected and appeal is not being decided, that will affect the rights of the petitioner. Therefore, the Director, Panchayat may be directed to decide the appeal of the petitioner.

(29)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.1951/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, since the Director, Panchayat vide order dated 8.6.2004 rejected the stay application of the petitioner and the matter relates to the removal of the petitioner as Sarpanch, therefore, looking to the urgency of the matter, the learned Director ought to have decided the appeal itself rather deciding the stay application. Therefore, in the given circumstances, the Director, Panchayat is directed to decide the appeal filed by the petitioner in accordance with law as early as possible preferably within a month from the date of the receipt of this order. With the above direction, the petition stands disposed of. Consequently, M.W.P. No.1751/2004 & I.A. No.4572/04 also stand disposed of. Certified copy as per rules. Sd/- L.C. Bhadoo Judge	
Roshan/-		

19 A C
24.7.04